

The present claims define systems and techniques whereby a client can generate activation requests to be fulfilled by a server, even if the client lacks information about any specific server that can process such requests. This allows client nodes to create remote components on available server nodes without monitoring the state of the network. This is supported by the specification, for example, on page 2, line 13, to page 3, line 3. The art of record fails to teach or suggest these systems and techniques as claimed to promote the above-described advantage.

Sung teaches a method of communication between a client and a bank of servers, where once a client is assigned to a particular server inside the server bank by a router, this assignment is saved for future use and is sent to other routers in a collection of routers. Thus, when the client requests additional information from the server bank by sending a request to a router in the collection of routers at a later time, the same server in the server bank handles that information request. (See Abstract; col. 1, line 7 to col. 2, line 32; and col. 5, lines 21-27.)

With respect to independent claim 1 of the present application, the server node enables "the client node to activate remote components on available server nodes without specific names or capabilities of nodes in the network servicing

the requests." With respect to independent claim 23, the client nodes are able "to request activation of remote components at run-time without specific names or capabilities of nodes servicing those requests."

None of the art of record, including Sung, either teaches or suggests this aspect of the claims. In Sung, the client knows the capabilities of nodes in the network servicing the requests because the client knows that the servers in the data center can provide the information being requested. (See col. 3, lines 54-56; col. 4, lines 49-50; col. 5, lines 35-36; and col. 6, lines 34-35.) Additionally, since the data center and/or server bank is treated by the client in Sung as one large server at the time of the initial request, the client in Sung also knows the specific name of the server servicing the request; the client already has an Internet Protocol (IP) address for a router in the data center before making the request. (See col. 3, lines 56-61; col. 4, lines 50-51; col. 5, lines 36-38; and col. 6, lines 36-37.)

Moreover, the servers in Sung are typical information servers, and the client requests are for information. (See col. 3, lines 54-56.) Sung neither teaches nor suggests remote activation of components on the servers. Thus, it is respectfully suggested that the rejection does not meet the patent office's burden of providing a *prima facie* showing of

unpatentability and therefore the independent claims 1 and 23 should be allowable.

With respect to claim 3, the official action suggests that the abstract and figures 1-2 of Sung teach activation requests processed by a client node that includes enhancements to a network protocol of the client node. Applicant respectfully disagrees. Sung does not discuss activation requests and/or enhancements to the client's network protocol. If the Examiner disagrees, it is requested that the Examiner point out support.

With respect to claim 4, the official action suggests that the abstract and figures 1-2 of Sung teach enhancements to a network protocol of the server node. Applicant respectfully disagrees and requests clarification as to where Sung actually discusses enhancements to the server's network protocol.

With respect to independent claims 7, 14, 20 and 22, the art of record, including Sung, fails to teach or suggest multicasting a machine-independent activation request to the network as claimed. The multicasting taught by Sung involves multicasting to other routers information indicating the assignment of a client to a server. (See col. 2, lines 14-16; and col. 11, lines 31-42.) This does not constitute multicasting a machine-independent activation request to the network. Thus, it is respectfully suggested that independent claims 7, 14, 20 and 22 should be allowable.

Moreover, with respect to independent claims 7, 10, 14, 20, 21 and 22, and with respect to claim 12, the art of record, including Sung, fails to teach or suggest transmission of capability information of the server to the client in response to a machine-independent activation request. All of the servers in the server bank of Sung are capable of servicing the information requests from the client, and the only server-specific information sent to the client in Sung is information indicating an assignment of the client to the server. (See col. 2, lines 15-19.) This does not constitute server capability information sent in response to a machine-independent activation request.

With respect to claim 8, the official action suggests that figures 6-7 of Sung teach sending of capability information to a client where the capability information includes a list of server IP addresses or UNC names of servers that have the ability to service a request for a specific CLSID. Applicant respectfully disagrees. Sung does not discuss sending of capability information and/or CLSIDs (Class Identifiers), which are globally unique identifiers used to refer to particular classes of objects. If the Examiner disagrees, it is requested that the Examiner point out support.

With respect to independent claims 10 and 21, the official action suggests that Sung (in figures 7 and 10; col. 9, lines

15-54; and col. 11, line 10 to col. 12, line 24) teaches monitoring, at a server, a specific port to receive a machine-independent client activation request. The server port referred to in Sung is used for all communications from the client and is not a specific port used to receive a machine-independent client activation request. Applicant respectfully suggests that claims 10 and 21 are allowable in light of this clarification of Sung.

With respect to claim 11, the port that is tied to a multicast address in Sung is monitored at the routers and not at the servers, as required by claim 11 in conjunction with claim 10. (See col. 2 lines 14-19; and col. 11, lines 52-58.) Applicant respectfully suggests that claim 11 is allowable in light of this clarification of Sung.

With respect to claim 2, this claim depends from an allowable base claim and should thus be in condition for allowance. For all of the above reasons, it is respectfully suggested that claims 1-4, 7-8, 10-12, 14, and 20-23 should be allowable.

Claims 5, 6, 9, 13, and 15-19 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sung in view of U.S. Patent No. 6,141,696 (Goertzel). This rejection is respectfully traversed.

With respect to independent claim 6, the first and second modules enable "the client to trigger creation of remote

components without specific names or capabilities of network nodes servicing that creation." For the reasons discussed above in connection with independent claims 1 and 23, none of the art of record either teaches or suggests this aspect of the claims. Thus, it is respectfully suggested that independent claim 6 should be allowable.

With respect to claims 5, 9, 13, and 15-19, each of these claims depends from an allowable base claim for the reasons discussed above. Thus, it is respectfully suggested that claims 5, 9, 13, and 15-19 should be allowable.

Moreover, when describing the motivation to combine Sung and Goertzel, the official action suggests multiple advantages that can be obtained by performing the various proposed combinations of Sung of Goertzel. Applicant respectfully suggests that this is improper hindsight analysis. Identifying the advantages of an invention that involves combining two known systems that do not themselves suggest those advantages cannot properly serve as the sole basis of the motivation to combine in an obviousness rejection. The motivation to combine the references must be found in the references themselves or be known to those skilled in the relevant art at the time the application was filed.

In view of the above remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

No fee is believed due with this Response. Please apply any necessary charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 29, 2002

Wm. E. Hunter  
William E. Hunter  
Reg. No. 47,671

Fish & Richardson P.C.  
PTO Customer No. 20985  
4350 La Jolla Village Drive, Suite 500  
San Diego, California 92122  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

10209954.doc